

104TH CONGRESS
2D SESSION

S. 1711

AN ACT

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Benefits Improvements Act of 1996”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

- Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
 Sec. 102. Permanent authority for alternative teacher certification programs.
 Sec. 103. Period of operation for approval.
 Sec. 104. Elimination of distinction between open circuit TV and independent study.
 Sec. 105. Cooperative programs.
 Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
 Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

- Sec. 201. Extension of enhanced loan asset sale authority.
 Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

- Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
 Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
 Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

- Sec. 301. Regional Administrator.
 Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
 Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

- Sec. 311. Amendments to chapter 43 of title 38, United States Code.
 Sec. 312. Amendments to transition rules and effective dates.
 Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

- Sec. 401. Short title.
 Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
 Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.

- Sec. 404. Information to be provided members concerning automatic maximum coverage of \$200,000 under Servicemen's Group Life Insurance.
- Sec. 405. Renaming of Servicemen's Group Life Insurance program.
- Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

- Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
- Sec. 502. Limitation on clothing allowance for incarcerated veterans.
- Sec. 503. Extension of Veterans' Claims Adjudication Commission.
- Sec. 504. Pilot program for use of contract physicians for disability examinations.
- Sec. 505. Expansion of period of Vietnam era for certain veterans.
- Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
- Sec. 507. Increase in period for which accrued benefits payable.
- Sec. 508. Appointment of veterans service organizations as claimants' representatives.
- Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
- Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

- Sec. 601. Extension of certain authorities for services for homeless veterans.
- Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

- Sec. 701. Establishment of Commission.
- Sec. 702. Duties of Commission.
- Sec. 703. Powers of Commission.
- Sec. 704. Miscellaneous administrative provisions.
- Sec. 705. Commission personnel matters.
- Sec. 706. Termination of Commission.
- Sec. 707. Definitions.
- Sec. 708. Funding.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to or repeal of a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 38, United States Code.

1 **TITLE I—EDUCATION BENEFITS**

2 **SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.**

5 (a) DEFINITIONS.—Section 3101 is amended—

6 (1) in paragraph (1), by inserting “, resulting
7 in substantial part from a disability described in sec-
8 tion 3102(1)(A) of this title,” after “impairment”;

9 (2) in paragraph (6), by inserting “authorized
10 under section 3120 of this title” after “assistance”;
11 and

12 (3) in paragraph (7), by inserting “, resulting
13 in substantial part from a service-connected disabili-
14 ty rated at 10 percent or more,” after “impair-
15 ment”.

16 (b) BASIC ENTITLEMENT.—Section 3102 is amend-
17 ed—

18 (1) in paragraph (1)(A)(i), by striking out
19 “which is” and all that follows through “chapter 11
20 of this title and” and inserting in lieu thereof “rated
21 at 20 percent or more”;

22 (2) in paragraph (2)(A), by striking out “which
23 is” and all that follows through “chapter 11 of this
24 title and” and inserting in lieu thereof “rated at 10
25 percent”; and

1 (3) by amending paragraph (2)(B) to read as
2 follows:

3 “(B) is determined by the Secretary to be
4 in need of rehabilitation because of a serious
5 employment handicap.”.

6 (c) PERIODS OF ELIGIBILITY.—Section 3103 is
7 amended—

8 (1) in subsection (b)(3), by striking out “de-
9 scribed in section 3102(1)(A)(i) of this title” and in-
10 serting in lieu thereof “rated at 10 percent or
11 more”;

12 (2) in subsection (c)—

13 (A) in the matter preceding paragraph (1),
14 by striking out “particular” and inserting in
15 lieu thereof “current”; and

16 (B) in paragraph (2), by striking out “vet-
17 eran’s employment” and inserting in lieu there-
18 of “veteran’s current employment”; and

19 (3) in subsection (d), by striking out “under
20 this chapter” and inserting in lieu thereof “in ac-
21 cordance with the provisions of section 3120 of this
22 title”.

23 (d) SCOPE OF SERVICES AND ASSISTANCE.—Section
24 3104 is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

2 (i) by striking out “such veteran’s dis-
3 ability or disabilities cause” and inserting
4 in lieu thereof “the veteran has an employ-
5 ment handicap or”; and

6 (ii) by inserting “reasonably” after
7 “goal is”;

8 (B) in paragraph (7)(A)—

9 (i) by striking out “(i)”; and

10 (ii) by striking out “, and (ii)” and all
11 that follows through “such Act”; and

12 (C) in paragraph (12), by striking out
13 “For the most severely disabled veterans requir-
14 ing” and inserting in lieu thereof “For veterans
15 with the most severe service-connected disabil-
16 ities who require”; and

17 (2) by striking out subsection (b) and redesign-
18 ating subsection (c) as subsection (b).

19 (e) DURATION OF REHABILITATION PROGRAMS.—

20 Paragraph (1) of section 3105(c) is amended by striking
21 out “veteran’s employment” and inserting in lieu thereof
22 “veteran’s current employment”.

23 (f) INITIAL AND EXTENDED EVALUATIONS; DETER-
24 MINATIONS REGARDING SERIOUS EMPLOYMENT HANDI-
25 CAP.—(1) Section 3106 is amended—

1 (A) in subsection (a), by striking out “described
2 in clause (i) or (ii) of section 3102(1)(A) of this
3 title” and inserting in lieu thereof “rated at 10 per-
4 cent or more”;

5 (B) in subsection (b), by striking out “counsel-
6 ing in accordance with”;

7 (C) in subsection (c), by striking out “with ex-
8 tended” and inserting in lieu thereof “with an ex-
9 tended”; and

10 (D) by redesignating subsections (d) and (e) as
11 subsections (e) and (f), respectively, and inserting
12 after subsection (c) the following new subsection:

13 “(d) In any case in which the Secretary has deter-
14 mined that a veteran has a serious employment handicap
15 and also determines, following such initial and any such
16 extended evaluation, that achievement of a vocational goal
17 currently is not reasonably feasible, the Secretary shall de-
18 termine whether the veteran is capable of participating in
19 a program of independent living services and assistance
20 under section 3120 of this title.”.

21 (2) Chapter 31 is amended—

22 (A) in section 3107(c)(2), by striking out
23 “3106(e)” and inserting in lieu thereof “3106(f)”;

24 (B) in section 3109, by striking out “3106(d)”
25 and inserting in lieu thereof “3106(e)”;

1 (C) in section 3118(c), by striking out
 2 “3106(e)” and inserting in lieu thereof “3106(f”;
 3 and

4 (D) in section 3120(b), by striking out
 5 “3106(d)” and inserting in lieu thereof “3106(d) or
 6 (e)”.

7 (g) ALLOWANCES.—Section 3108 is amended—

8 (1) in subsection (a)(2), by striking out “follow-
 9 ing the conclusion of such pursuit” and inserting in
 10 lieu thereof “while satisfactorily following a program
 11 of employment services provided under section
 12 3104(a)(5) of this title”; and

13 (2) in subsection (f)(1)—

14 (A) in subparagraph (A)—

15 (i) by inserting “eligible for and”
 16 after “veteran is”;

17 (ii) by striking out “chapter 30 or
 18 34” and inserting in lieu thereof “chapter
 19 30”; and

20 (iii) by striking out “either chapter 30
 21 or chapter 34” and inserting in lieu there-
 22 of “chapter 30”; and

23 (B) in subparagraph (B), by striking out
 24 “chapter 30 or 34” and inserting in lieu thereof
 25 “chapter 30”.

1 (h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of
2 section 3117(a) is amended by inserting “rated at 10 per-
3 cent or more” after “disability”.

4 (i) PROGRAM OF INDEPENDENT LIVING SERVICES
5 AND ASSISTANCE.—Section 3120 is amended—

6 (1) in subsection (b), by striking out “service-
7 connected disability described in section 3102(1)(A)”
8 and inserting in lieu thereof “serious employment
9 handicap resulting in substantial part from a serv-
10 ice-connected disability described in section
11 3102(1)(A)(i)”; and

12 (2) in subsection (d), by striking out “and (b)”.

13 (j) EFFECTIVE DATE.—(1) Except as provided in
14 paragraph (2), the amendments made by this section shall
15 take effect on the date of the enactment of this Act.

16 (2) The amendments made by subsection (a) (other
17 than paragraph (2)), subsection (d) (other than subpara-
18 graphs (A) and (B) of paragraph (1)), and subsection (i)
19 shall only apply with respect to claims of eligibility or enti-
20 tlement to services and assistance (including claims for ex-
21 tension of such services and assistance) under chapter 31
22 of title 38, United States Code, received by the Secretary
23 of Veterans Affairs on or after the date of the enactment
24 of this Act, including those claims based on original appli-
25 cations, and applications seeking to reopen, revise, recon-

sider, or otherwise adjudicate or readjudicate on any basis
claims for services and assistance under such chapter.

**SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE
TEACHER CERTIFICATION PROGRAMS.**

Subsection (c) of section 3452 is amended by striking
out “For the period ending on September 30, 1996, such”
and inserting in lieu thereof “Such”.

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section
3689 in the table of sections at the beginning of
such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is
amended by striking out “3689(b)(6) of this title” and
inserting in lieu thereof “subsection (g)”.

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN
COURSES.—Section 3680A is amended by adding after
subsection (d) the following new subsections:

“(e) The Secretary may not approve the enrollment
of an eligible veteran in a course not leading to a standard
college degree offered by a proprietary profit or propri-
etary nonprofit educational institution if—

“(1) the educational institution has been oper-
ating for less than two years;

1 “(2) the course is offered at a branch of the
2 educational institution and the branch has been op-
3 erating for less than two years; or

4 “(3) following either a change in ownership or
5 a complete move outside its original general locality,
6 the educational institution does not retain substan-
7 tially the same faculty, student body, and courses as
8 before the change in ownership or the move outside
9 the general locality (as determined in accordance
10 with regulations the Secretary shall prescribe) unless
11 the educational institution following such change or
12 move has been in operation for at least two years.

13 “(f) The Secretary may not approve the enrollment
14 of an eligible veteran in a course as a part of a program
15 of education offered by an educational institution if the
16 course is provided under contract by another educational
17 institution or entity and—

18 “(1) the Secretary would be barred under sub-
19 section (e) from approving the enrollment of an eli-
20 gible veteran in the course of the educational institu-
21 tion or entity providing the course under contract; or

22 “(2) the educational institution or entity provid-
23 ing the course under contract has not obtained ap-
24 proval for the course under this chapter.

1 “(g) Notwithstanding subsections (e) and (f), the
 2 Secretary may approve the enrollment of an eligible vet-
 3 eran in a course approved under this chapter if the course
 4 is offered by an educational institution under contract
 5 with the Department of Defense or the Department of
 6 Transportation and is given on or immediately adjacent
 7 to a military base, Coast Guard station, National Guard
 8 facility, or facility of the Selected Reserve.”.

9 (c) APPROVAL OF ACCREDITED COURSES.—Sub-
 10 section (b) of section 3675 is amended to read as follows:

11 “(b) As a condition of approval under this section,
 12 the State approving agency must find the following:

13 “(1) The educational institution keeps adequate
 14 records, as prescribed by the State approving agen-
 15 cy, to show the progress and grades of the eligible
 16 person or veteran and to show that satisfactory
 17 standards relating to progress and conduct are en-
 18 forced.

19 “(2) The educational institution maintains a
 20 written record of the previous education and training
 21 of the eligible person or veteran that clearly indi-
 22 cates that appropriate credit has been given by the
 23 educational institution for previous education and
 24 training, with the training period shortened propor-
 25 tionately.

1 “(3) The educational institution and its ap-
 2 proved courses meet the criteria of paragraphs (1),
 3 (2), and (3) of section 3676(c) of this title.”.

4 **SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN**
 5 **CIRCUIT TV AND INDEPENDENT STUDY.**

6 (a) VETERANS’ EDUCATIONAL ASSISTANCE PRO-
 7 GRAM.—Subsection (f) of section 3482 is amended by
 8 striking out “in part”.

9 (b) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL
 10 ASSISTANCE.—Section 3523 is amended—

11 (1) in subsection (a)(4), by inserting “(includ-
 12 ing open circuit television)” after “independent
 13 study program” the second place it appears; and

14 (2) in subsection (c), by striking out “radio”
 15 and all that follows through the end and inserting
 16 in lieu thereof “radio.”.

17 (c) ADMINISTRATION OF EDUCATIONAL BENE-
 18 FITS.—Subsection (c) of section 3680A is amended by
 19 striking out “radio” and all that follows through the end
 20 and inserting in lieu thereof “radio.”.

21 **SEC. 105. COOPERATIVE PROGRAMS.**

22 (a) CHAPTER 30.—Section 3032 is amended by strik-
 23 ing out subsection (d) and redesignating subsections (e)
 24 and (f) as subsections (d) and (e), respectively.

1 (b) CHAPTER 32.—Section 3231 is amended by strik-
 2 ing out subsection (d) and redesignating subsections (e)
 3 and (f) as subsections (d) and (e), respectively.

4 (c) CHAPTER 35.—Subsection (b) of section 3532 is
 5 amended by striking out “\$327” and inserting in lieu
 6 thereof “\$404”.

7 (d) CHAPTER 1606.—Section 16131 of title 10, Unit-
 8 ed States Code, is amended—

9 (1) by striking out subsection (e) and redesign-
 10 ating subsections (f), (g), (h), (i), and (j) as sub-
 11 sections (e), (f), (g), (h), and (i), respectively; and

12 (2) in subsection (b)(1), by striking out “(g)”
 13 and inserting in lieu thereof “(f)”.

14 **SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS**
 15 **IN MONTGOMERY GI BILL.**

16 (a) IN GENERAL.—Subchapter II of chapter 30 is
 17 amended by inserting after section 3018B the following
 18 new section:

19 **“§ 3018C. Opportunity for certain VEAP participants**
 20 **to enroll**

21 “(a) Notwithstanding any other provision of law, an
 22 individual who—

23 “(1) is a participant on the date of the enact-
 24 ment of the Veterans’ Benefits Improvements Act of

1 1996 in the educational benefits program provided
2 by chapter 32 of this title;

3 “(2) is serving on active duty (excluding the pe-
4 riods referred to in section 3202(1)(C) of this title)
5 on such date;

6 “(3) before applying for benefits under this sec-
7 tion, has completed the requirements of a secondary
8 school diploma (or equivalency certificate) or has
9 successfully completed the equivalent of 12 semester
10 hours in a program of education leading to a stand-
11 ard college degree;

12 “(4) if discharged or released from active duty
13 during the one-year period specified in paragraph
14 (5), is discharged or released therefrom with an hon-
15 orable discharge; and

16 “(5) during the one-year period beginning on
17 the date of the enactment of the Veterans’ Benefits
18 Improvements Act of 1996, makes an irrevocable
19 election to receive benefits under this section in lieu
20 of benefits under chapter 32 of this title, pursuant
21 to procedures which the Secretary of each military
22 department shall provide in accordance with regula-
23 tions prescribed by the Secretary of Defense for the
24 purpose of carrying out this section or which the
25 Secretary of Transportation shall provide for such

1 purpose with respect to the Coast Guard when it is
2 not operating as a service in the Navy;
3 may elect to become entitled to basic educational assist-
4 ance under this chapter.

5 “(b) With respect to an individual who makes an elec-
6 tion under subsection (a) to become entitled to basic edu-
7 cation assistance under this chapter—

8 “(1) the basic pay of the individual shall be re-
9 duced (in a manner determined by the Secretary of
10 Defense) until the total amount by which such basic
11 pay is reduced is \$1,200; or

12 “(2) to the extent that basic pay is not so re-
13 duced before the individual’s discharge or release
14 from active duty as specified in subsection (a)(4),
15 the Secretary shall collect from the individual an
16 amount equal to the difference between \$1,200 and
17 the total amount of reductions under paragraph (1),
18 which shall be paid into the Treasury of the United
19 States as miscellaneous receipts.

20 “(c)(1) Except as provided in paragraph (3), an indi-
21 vidual who is enrolled in the educational benefits program
22 provided by chapter 32 of this title and who makes the
23 election described in subsection (a)(5) shall be disenrolled
24 from such chapter 32 program as of the date of such elec-
25 tion.

1 “(2) For each individual who is disenrolled from such
2 program, the Secretary shall refund—

3 “(A) to the individual, as provided in section
4 3223(b) of this title and subject to subsection (b)(2)
5 of this section, the unused contributions made by the
6 individual to the Post-Vietnam Era Veterans Edu-
7 cation Account established pursuant to section
8 3222(a) of this title; and

9 “(B) to the Secretary of Defense the unused
10 contributions (other than contributions made under
11 section 3222(c) of this title) made by such Secretary
12 to the Account on behalf of such individual.

13 “(3) Any contribution made by the Secretary of De-
14 fense to the Post-Vietnam Era Veterans Education Ac-
15 count pursuant to subsection (c) of section 3222 of this
16 title on behalf of any individual referred to in paragraph
17 (1) shall remain in such account to make payments of ben-
18 efits to such individual under section 3015(f) of this title.

19 “(d) The procedures provided in regulations referred
20 to in subsection (a) shall provide for notice of the require-
21 ments of subparagraphs (B), (C), and (D) of section
22 3011(a)(3) and of subparagraph (A) of section 3012(a)(3)
23 of this title. Receipt of such notice shall be acknowledged
24 in writing.”.

1 (b) CONFORMING AMENDMENTS.—(1) The table of
 2 sections at the beginning of chapter 30 is amended by in-
 3 serting after the item relating to section 3018B the follow-
 4 ing new item:

“3018C. Opportunity for certain VEAP participants to enroll.”.

5 (2) Subsection (d) of section 3013 is amended by
 6 striking out “or 3018B” and inserting in lieu thereof “,
 7 3018B, or 3018C”.

8 (3) Subsection (f) of section 3015 is amended by in-
 9 serting “, 3018B, or 3018C” after “section 3018A”.

10 (c) TRANSFER OF EDUCATIONAL ASSISTANCE
 11 FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is
 12 amended—

13 (A) by striking out “, for the purposes of sec-
 14 tion 1322(a) of title 31,”; and

15 (B) by striking out “as provided in such sec-
 16 tion” and inserting in lieu thereof “to the Secretary
 17 for payments for entitlement earned under sub-
 18 chapter II of chapter 30”.

19 (2) Paragraph (1) of section 3035(b) is amended by
 20 inserting before the period at the end the following: “and
 21 from transfers from the Post-Vietnam Era Veterans Edu-
 22 cation Account pursuant to section 3232(b)(2)(B) of this
 23 title”.

1 **SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN**
2 **ACTIVE DUTY MEMBERS OF ARMY AND AIR**
3 **NATIONAL GUARD.**

4 (a) IN GENERAL.—Paragraph (7) of section 3002 is
5 amended by striking out “November 29, 1989” and insert-
6 ing in lieu thereof “June 30, 1985”.

7 (b) APPLICATION.—(1) An individual may only be-
8 come eligible for benefits under chapter 30 of title 38,
9 United States Code, as a result of the amendment made
10 by subsection (a) by making an election to become entitled
11 to basic educational assistance under such chapter. The
12 election may only be made during the nine-month period
13 beginning on the date of the enactment of this Act and
14 in the manner required by the Secretary of Defense.

15 (2) In the case of any individual making an election
16 under paragraph (1)—

17 (A) the basic pay of an individual who, while a
18 member of the Armed Forces, makes an election
19 under paragraph (1) shall be reduced (in a manner
20 determined by the Secretary of Defense) until the
21 total amount by which such basic pay is reduced is
22 \$1,200; or

23 (B) to the extent that basic pay is not so re-
24 duced before the individual’s discharge or release
25 from active duty, the Secretary of Veterans Affairs
26 shall collect from an individual who makes such an

1 election an amount equal to the difference between
 2 \$1,200 and the total amount of reductions under
 3 subparagraph (A), which amount shall be paid into
 4 the Treasury as miscellaneous receipts.

5 (3) In the case of any individual making an election
 6 under paragraph (1), the 10-year period referred to in sec-
 7 tion 3031 of such title shall begin on the later of—

8 (A) the date determined under such section
 9 3031; or

10 (B) the date on which the election under para-
 11 graph (1) becomes effective.

12 **TITLE II—HOUSING AND**
 13 **MEMORIAL AFFAIRS**
 14 **Subtitle A—Housing**

15 **SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AU-**
 16 **THORITY.**

17 Paragraph (2) of section 3720(h) is amended by
 18 striking out “December 31, 1996” and inserting in lieu
 19 thereof “December 31, 1997”.

20 **SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NA-**
 21 **TIVE AMERICAN VETERAN HOUSING LOAN**
 22 **PILOT PROGRAM.**

23 (a) **AUTHORITY.**—Section 3762 is amended—

24 (1) by redesignating subsection (h) as sub-
 25 section (i); and

1 (2) by inserting after subsection (g) the follow-
2 ing new subsection (h):

3 “(h)(1) The Secretary may make direct loans to Na-
4 tive American veterans in order to enable such veterans
5 to refinance existing loans made under this section.

6 “(2)(A) The Secretary may not make a loan under
7 this subsection unless the loan meets the requirements set
8 forth in subparagraphs (B), (C), and (E) of paragraph
9 (1) of section 3710(e) of this title.

10 “(B) The Secretary may not make a loan under this
11 subsection unless the loan will bear an interest rate at
12 least one percentage point less than the interest rate borne
13 by the loan being refinanced.

14 “(C) Paragraphs (2) and (3) of such section 3710(e)
15 shall apply to any loan made under this subsection, except
16 that for the purposes of this subsection the reference to
17 subsection (a)(8) of section 3710 of this title in such para-
18 graphs (2) and (3) shall be deemed to be a reference to
19 this subsection.”.

20 (b) LOAN FEE.—Section 3729(a)(2)(E) is amended
21 by striking out “or 3712(a)(1)(F)” and inserting in lieu
22 thereof “3712(a)(1)(F), or 3762(h)”.

1 **Subtitle B—Memorial Affairs**

2 **SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR**
3 **BURIAL IN NATIONAL CEMETERIES.**

4 Section 2402(5) is amended by inserting after “minor
5 child” the following: “(which for purposes of this chapter
6 includes a child under 21 years of age, or under 23 years
7 of age if pursuing a course of instruction at an approved
8 educational institution)”.

9 **SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO**
10 **DIE IN STATE NURSING HOMES.**

11 Subsection (a) of section 2303 is amended to read
12 as follows:

13 “(a)(1) When a veteran dies in a facility described
14 in paragraph (2), the Secretary shall—

15 “(A) pay the actual cost (not to exceed \$300)
16 of the burial and funeral or, within such limits, may
17 make contracts for such services without regard to
18 the laws requiring advertisement for proposals for
19 supplies and services for the Department; and

20 “(B) when such a death occurs in a State,
21 transport the body to the place of burial in the same
22 or any other State.

23 “(2) A facility described in this paragraph is—

24 “(A) a Department facility (as defined in sec-
25 tion 1701(4) of this title) to which the deceased was

properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

“(B) an institution at which the deceased veteran was, at the time of death, receiving—

“(i) hospital care in accordance with section 1703 of this title;

“(ii) nursing home care under section 1720 of this title; or

“(iii) nursing home care for which payments are made under section 1741 of this title.”.

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out “a grave liner” each place it appears and inserting in lieu thereof “an outer burial receptacle”;

(2) in paragraph (2)—

(A) by striking out “grave liners” and inserting in lieu thereof “outer burial receptacles”; and

(B) by striking out “specifications and procedures” and inserting in lieu thereof “regulations or procedures”; and

1 (3) by adding at the end the following:

2 “(3) Regulations or procedures under paragraph (2)
3 may specify that—

4 “(A) an outer burial receptacle other than a
5 grave liner be provided in lieu of a grave liner at the
6 election of the survivors of the interred veteran; and

7 “(B) if an outer burial receptacle other than a
8 grave liner is provided in lieu of a grave liner upon
9 an election of such survivors, such survivors be re-
10 quired—

11 “(i) to pay the amount by which the cost
12 of the outer burial receptacle exceeds the cost
13 of the grave liner that would otherwise have
14 been provided in the absence of the election;
15 and

16 “(ii) to pay the amount of the administra-
17 tive costs incurred by the Secretary (or, with
18 respect to Arlington National Cemetery, the
19 Secretary of the Army) in providing the outer
20 burial receptacle in lieu of such grave liner.

21 “(4) Regulations or procedures under paragraph (2)
22 may provide for the use of a voucher system, or other sys-
23 tem of reimbursement approved by the Secretary (or, with
24 respect to Arlington National Cemetery, the Secretary of
25 the Army), for payment for outer burial receptacles other

1 than grave liners provided under such regulations or pro-
 2 cedures.”.

3 (b) CONFORMING AMENDMENTS.—(1) The heading
 4 of such section is amended to read as follows:

5 “§ 2306. **Headstones, markers, and burial recep-**
 6 **tacles”.**

7 (2) The table of sections at the beginning of chapter
 8 23 is amended by striking out the item relating to section
 9 2306 and inserting in lieu thereof the following new item:

“2306. Headstones, markers, and burial receptacles.”.

10 **TITLE III—EMPLOYMENT AND**
 11 **TRAINING**
 12 **Subtitle A—Veterans’ Employment**
 13 **and Training**

14 **SEC. 301. REGIONAL ADMINISTRATOR.**

15 Paragraph (1) of section 4102A(e) is amended by
 16 adding at the end the following: “Each Regional Adminis-
 17 trator appointed after the date of the enactment of the
 18 Veterans’ Benefits Improvements Act of 1996 shall be a
 19 veteran.”.

20 **SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VET-**
 21 **ERANS’ EMPLOYMENT AND TRAINING.**

22 Subsection (a) of section 4103 is amended—

23 (1) in the first sentence, by striking out “full-
 24 time Federal clerical support” and inserting in lieu

1 thereof “full-time Federal clerical or other support
2 personnel”; and

3 (2) in the third sentence, by striking out “Full-
4 time Federal clerical support personnel” and insert-
5 ing in lieu thereof “Full-time Federal clerical or
6 other support personnel”.

7 **SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAM-**
8 **LINE FUNCTIONS OF LOCAL VETERANS’ EM-**
9 **PLOYMENT REPRESENTATIVES.**

10 (a) **AUTHORITY TO CONDUCT PILOT PROGRAM.**—In
11 order to assess the effects on the timeliness and quality
12 of services to veterans resulting from re-focusing the staff
13 resources of local veterans’ employment representatives,
14 the Secretary of Labor may conduct a pilot program under
15 which the primary responsibilities of local veterans’ em-
16 ployment representatives will be case management and the
17 provision and facilitation of direct employment and train-
18 ing services to veterans.

19 (b) **AUTHORITIES UNDER CHAPTER 41.**—To imple-
20 ment the pilot program, the Secretary of Labor may sus-
21 pend or limit application of those provisions of chapter 41
22 of title 38, United States Code (other than sections
23 4104(b)(1) and (c)) that pertain to the Local Veterans’
24 Employment Representative Program in States designated
25 by the Secretary under subsection (d), except that the Sec-

1 retary may use the authority of such chapter, as the Sec-
2 retary may determine, in conjunction with the authority
3 of this section, to carry out the pilot program. The Sec-
4 retary may collect such data as the Secretary considers
5 necessary for assessment of the pilot program. The Sec-
6 retary shall measure and evaluate on a continuing basis
7 the effectiveness of the pilot program in achieving its stat-
8 ed goals in general, and in achieving such goals in relation
9 to their cost, their effect on related programs, and their
10 structure and mechanisms for delivery of services.

11 (c) TARGETED VETERANS.—Within the pilot pro-
12 gram, eligible veterans who are among groups most in
13 need of intensive services, including disabled veterans, eco-
14 nomically disadvantaged veterans, and veterans separated
15 within the previous four years from active military, naval,
16 or air service shall be given priority for service by local
17 veterans' employment representatives. Priority for the pro-
18 vision of service shall be given first to disabled veterans
19 and then to the other categories of veterans most in need
20 of intensive services in accordance with priorities deter-
21 mined by the Secretary of Labor in consultation with ap-
22 propriate State labor authorities.

23 (d) STATES DESIGNATED.—The pilot program shall
24 be limited to not more than five States to be designated
25 by the Secretary of Labor.

1 (e) REPORTS TO CONGRESS.—(1) Not later than one
2 year after the date of the enactment of this Act, the Sec-
3 retary of Labor shall submit to the Committees on Veter-
4 ans' Affairs of the Senate and the House of Representa-
5 tives an interim report describing in detail the develop-
6 ment and implementation of the pilot program on a State
7 by State basis.

8 (2) Not later than 120 days after the expiration of
9 this section under subsection (h), the Secretary of Labor
10 shall submit to the Committees on Veterans' Affairs of
11 the Senate and the House of Representatives a final report
12 evaluating the results of the pilot program and make rec-
13 ommendations based on the evaluation, which may include
14 legislative recommendations.

15 (f) DEFINITIONS.—For the purposes of this section:

16 (1) The term “veteran” has the meaning given
17 such term by section 101(2) of title 38, United
18 States Code.

19 (2) The term “disabled veteran” has the mean-
20 ing given such term by section 4211(3) of such title.

21 (3) The term “active military, naval, or air
22 service” has the meaning given such term by section
23 101(24) of such title.

24 (g) ALLOCATION OF FUNDS.—Any amount otherwise
25 available for fiscal year 1997, 1998, or 1999 to carry out

1 section 4102A(b)(5) of title 38, United States Code, with
 2 respect to a State designated by the Secretary of Labor
 3 pursuant to subsection (d) shall be available to carry out
 4 the pilot program during that fiscal year with respect to
 5 that State.

6 (h) EXPIRATION DATE.—The authority to carry out
 7 the pilot program under this section shall expire on Octo-
 8 ber 1, 1999.

9 **Subtitle B—Technical Amendments**
 10 **Relating to the Uniformed Serv-**
 11 **ices Employment and Reemploy-**
 12 **ment Rights Act of 1994**

13 **SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNIT-**
 14 **ED STATES CODE.**

15 Chapter 43 is amended as follows:

16 (1) Section 4301(a)(2) is amended by striking
 17 out “under honorable conditions”.

18 (2) Section 4303(16) is amended by inserting
 19 “national” before “emergency”.

20 (3) Section 4311 is amended by striking out
 21 subsections (b) and (c) and inserting in lieu thereof
 22 the following:

23 “(b) An employer may not discriminate in employ-
 24 ment against or take any adverse employment action
 25 against any person because such person (1) has taken an

1 action to enforce a protection afforded any person under
2 this chapter, (2) has testified or otherwise made a state-
3 ment in or in connection with any proceeding under this
4 chapter, (3) has assisted or otherwise participated in an
5 investigation under this chapter, or (4) has exercised a
6 right provided for in this chapter. The prohibition in this
7 subsection shall apply with respect to a person regardless
8 of whether that person has performed service in the uni-
9 formed services.

10 “(c) An employer shall be considered to have engaged
11 in actions prohibited—

12 “(1) under subsection (a), if the person’s mem-
13 bership, application for membership, service, applica-
14 tion for service, or obligation for service in the uni-
15 formed services is a motivating factor in the employ-
16 er’s action, unless the employer can prove that the
17 action would have been taken in the absence of such
18 membership, application for membership, service,
19 application for service, or obligation for service; or

20 “(2) under subsection (b), if the person’s (A)
21 action to enforce a protection afforded any person
22 under this chapter, (B) testimony or making of a
23 statement in or in connection with any proceeding
24 under this chapter, (C) assistance or other participa-
25 tion in an investigation under this chapter, or (D)

1 exercise of a right provided for in this chapter, is a
 2 motivating factor in the employer’s action, unless
 3 the employer can prove that the action would have
 4 been taken in the absence of such person’s enforce-
 5 ment action, testimony, statement, assistance, par-
 6 ticipation, or exercise of a right.

7 “(d) The prohibitions in subsections (a) and (b) shall
 8 apply to any position of employment, including a position
 9 that is described in section 4312(d)(1)(C) of this title.”.

10 (4) Section 4312 is amended—

11 (A) in subsection (a), by striking out “who
 12 is absent from a position of employment” and
 13 inserting in lieu thereof “whose absence from a
 14 position of employment is necessitated”;

15 (B) in subsection (c)—

16 (i) by striking out “section 270” in
 17 paragraph (3) and inserting in lieu thereof
 18 “section 10147”; and

19 (ii) in paragraph (4)—

20 (I) by striking out “section
 21 672(a), 672(g), 673, 673b, 673c, or
 22 688” in subparagraph (A) and insert-
 23 ing in lieu thereof “section 688,
 24 12301(a), 12301(g), 12302, 12304, or
 25 12305”;

1 (II) by amending subparagraph
2 (B) to read as follows:

3 “(B) ordered to or retained on active duty
4 (other than for training) under any provision of
5 law because of a war or national emergency de-
6 clared by the President or the Congress, as de-
7 termined by the Secretary concerned;”;

8 (III) by striking out “section
9 673b” in subparagraph (C) and in-
10 serting in lieu thereof “section
11 12304”; and

12 (IV) by striking out “section
13 3500 or 8500” in subparagraph (E)
14 and inserting in lieu thereof “section
15 12406”; and

16 (C) in subsection (d)(2)(C), by striking out
17 “is brief or for a nonrecurrent period and with-
18 out a reasonable expectation” and inserting in
19 lieu thereof “is for a brief, nonrecurrent period
20 and there is no reasonable expectation”.

21 (5) Section 4313(a)(4) is amended—

22 (A) by striking out “uniform services” in
23 subparagraph (A)(ii) and inserting in lieu
24 thereof “uniformed services”; and

1 (B) by striking out “of lesser status and
2 pay which” and inserting in lieu thereof “which
3 is the nearest approximation to a position re-
4 ferred to first in clause (A)(i) and then in
5 clause (A)(ii) which”.

6 (6) Section 4316(d) is amended by adding at
7 the end the following new sentence: “No employer
8 may require any such person to use vacation, an-
9 nual, or similar leave during such period of service.”.

10 (7) Section 4317(a) is amended—

11 (A) by striking out “(a)(1)(A) Subject to
12 paragraphs (2) and (3), in” and inserting in
13 lieu thereof “(a)(1) In”;

14 (B) by redesignating clauses (i) and (ii) of
15 paragraph (1) (as amended by subparagraph
16 (A) of this paragraph) as subparagraphs (A)
17 and (B), respectively;

18 (C) by redesignating subparagraph (B) as
19 paragraph (2); and

20 (D) by redesignating subparagraph (C) as
21 paragraph (3), and in that paragraph by redesi-
22 gnating clauses (i) and (ii) as subparagraphs
23 (A) and (B), respectively, and by redesignating
24 subclauses (I) and (II) as clauses (i) and (ii),
25 respectively.

1 (8) The last sentence of section 4318(b)(2) is
2 amended by striking out “services,” and inserting in
3 lieu thereof “services, such payment period”.

4 (9) Section 4322 is amended—

5 (A) in the second sentence of subsection
6 (d) by inserting “attempt to” before “resolve”;
7 and

8 (B) in subsection (e)—

9 (i) in the matter preceding paragraph
10 (1), by striking out “with respect to a com-
11 plaint under subsection (d) are unsucces-
12 ful,” and inserting in lieu thereof “with re-
13 spect to any complaint filed under sub-
14 section (a) do not resolve the complaint,”;
15 and

16 (ii) in paragraph (2), by inserting “or
17 the Office of Personnel Management” after
18 “Federal executive agency”.

19 (10) Section 4323(a) is amended—

20 (A) in paragraph (1), by striking out “of
21 an unsuccessful effort to resolve a complaint”;
22 and

23 (B) in paragraph (2)(A), by striking out
24 “regarding the complaint under section

1 4322(c)” and inserting in lieu thereof “under
2 section 4322(a)”.

3 (11) Section 4324 is amended—

4 (A) in subsection (a)(1), by striking out
5 “of an unsuccessful effort to resolve a com-
6 plaint relating to a Federal executive agency”;

7 (B) in subsection (b)—

8 (i) in the matter preceding paragraph
9 (1), by inserting “or the Office of Person-
10 nel Management” after “Federal executive
11 agency”; and

12 (ii) in paragraph (1), by striking out
13 “regarding a complaint under section
14 4322(c)” and inserting in lieu thereof
15 “under section 4322(a)”; and

16 (C) in subsection (c)(2)—

17 (i) by inserting “or the Office of Per-
18 sonnel Management” after “Federal execu-
19 tive agency”; and

20 (ii) by striking out “employee” and
21 inserting in lieu thereof “Office”.

22 (12) Section 4325(d)(1) is amended—

23 (A) by striking out “, alternative employ-
24 ment in the Federal Government under this
25 chapter,”; and

1 (B) by striking out “employee” the last
 2 place it appears and inserting in lieu thereof
 3 “employees”.

4 (13) Section 4326(a) is amended by inserting
 5 “have reasonable access to and the right to interview
 6 persons with information relevant to the investiga-
 7 tion and shall” after “at all reasonable times,”.

8 **SEC. 312. AMENDMENTS TO TRANSITION RULES AND EF-**
 9 **FECTIVE DATES.**

10 (a) REEMPLOYMENT.—Section 8(a) of the Uniformed
 11 Services Employment and Reemployment Rights Act of
 12 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C.
 13 4301 note) is amended—

14 (1) in paragraph (3), by adding at the end
 15 thereof the following: “Any service begun up to 60
 16 days after the date of the enactment of this Act,
 17 which is served up to 60 days after the date of the
 18 enactment of this Act pursuant to orders issued
 19 under section 502(f) of title 32, United States Code,
 20 shall be considered under chapter 43 of title 38,
 21 United States Code, as in effect on the day before
 22 such date of enactment. Any service pursuant to or-
 23 ders issued under such section 502(f) served after
 24 60 days after the date of the enactment of this Act,

1 regardless of when begun, shall be considered under
2 the amendments made by this Act.”; and

3 (2) in paragraph (4), by striking out “such pe-
4 riod” and inserting in lieu thereof “such 60-day pe-
5 riod”.

6 (b) INSURANCE.—Section 8(c)(2) of such Act is
7 amended by striking out “person on active duty” and in-
8 serting in lieu thereof “person serving a period of service
9 in the uniformed services”.

10 **SEC. 313. EFFECTIVE DATES.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), the amendments made by this subtitle shall take effect
13 as of October 13, 1994.

14 (b) REORGANIZED TITLE 10 REFERENCES.—The
15 amendments made by clause (i), and subclauses (I), (III),
16 and (IV) of clause (ii), of section 311(4)(B) shall take ef-
17 fect as of December 1, 1994.

18 **TITLE IV—VETERANS LIFE**
19 **INSURANCE PROGRAMS**

20 **SEC. 401. SHORT TITLE.**

21 This title may be cited as the “Veterans’ Insurance
22 Reform Act of 1996”.

1 **SEC. 402. MERGER OF RETIRED RESERVE**
 2 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
 3 **AND VETERANS' GROUP LIFE INSURANCE**
 4 **AND EXTENSION OF VETERANS' GROUP LIFE**
 5 **INSURANCE TO MEMBERS OF THE READY RE-**
 6 **SERVE.**

7 (a) DEFINITIONS.—Section 1965(5) is amended—

8 (1) by adding “and” at the end of subpara-
 9 graph (B);

10 (2) by striking out subparagraphs (C) and (D);

11 and

12 (3) by redesignating subparagraph (E) as sub-
 13 paragraph (C).

14 (b) PERSONS INSURED.—Section 1967 is amended—

15 (1) in subsection (a)—

16 (A) by inserting “and” at the end of para-
 17 graph (1);

18 (B) by striking out paragraphs (3) and
 19 (4); and

20 (C) in the matter following paragraph (2),
 21 by striking out “or the first day a member of
 22 the Reserves, whether or not assigned to the
 23 Retired Reserve of a uniformed service, meets
 24 the qualifications of section 1965(5)(C) of this
 25 title, or the first day a member of the Reserves

1 meets the qualifications of section 1965(5)(D)
2 of this title,”; and

3 (2) by striking out subsection (d).

4 (c) DURATION AND TERMINATION OF COVERAGE.—
5 Section 1968 is amended—

6 (1) in subsection (a)—

7 (A) by striking out “subparagraph (B),
8 (C), or (D) of section 1965(5)” in the matter
9 preceding paragraph (1) and inserting in lieu
10 thereof “section 1965(5)(B)”;

11 (B) by striking out the period at the end
12 of paragraphs (1) and (2) and inserting in lieu
13 thereof a semicolon;

14 (C) by striking out the period at the end
15 of paragraph (3) and inserting in lieu thereof “;
16 and”;

17 (D) in paragraph (4)—

18 (i) by striking out “one hundred and
19 twenty days after” in the matter preceding
20 subparagraph (A) and all that follows
21 through “(A) unless on” and inserting in
22 lieu thereof “120 days after separation or
23 release from such assignment, unless on”;

24 (ii) by striking out “prior to the expi-
25 ration of one hundred and twenty days”

1 and inserting in lieu thereof “before the
2 end of 120 days”;

3 (iii) by striking out the semicolon
4 after “such assignment” and inserting in
5 lieu thereof a period; and

6 (iv) by striking out subparagraphs (B)
7 and (C); and

8 (E) by striking out paragraphs (5) and
9 (6); and
10 (2) in subsection (b), by striking out the last
11 two sentences.

12 (d) DEDUCTIONS.—Section 1969 is amended—

13 (1) in subsection (a)(2), by striking out “is as-
14 signed to the Reserve (other than the Retired Re-
15 serve)” and all that follows through “section
16 1965(5)(D) of this title,”;

17 (2) by striking out subsection (e); and

18 (3) by redesignating subsections (f) and (g) as
19 subsections (e) and (f), respectively.

20 (e) CONVERSION OF SGLI TO VGLI.—The
21 Servicemembers’ Group Life Insurance of any member of
22 the Retired Reserve of a uniformed service shall be con-
23 verted to Veterans’ Group Life Insurance effective 90 days
24 after the date of the enactment of this Act.

1 **SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL**
 2 **LIFE INSURANCE POLICY.**

3 (a) OPTION TO CONVERT SGLI.—Subsection (b) of
 4 section 1968, as amended by section 402(c)(2), is amend-
 5 ed—

6 (1) by inserting “(1)” after “(b)” at the begin-
 7 ning of the subsection;

8 (2) by striking out “would cease,” in the first
 9 sentence and all that follows through the period at
 10 the end of the sentence and inserting in lieu thereof
 11 “would cease—

12 “(A) shall be automatically converted to Veter-
 13 ans’ Group Life Insurance, subject to (i) the timely
 14 payment of the initial premium under terms pre-
 15 scribed by the Secretary, and (ii) the terms and con-
 16 ditions set forth in section 1977 of this title; or

17 “(B) at the election of the member, shall be
 18 converted to an individual policy of insurance as de-
 19 scribed in section 1977(e) of this title upon written
 20 application for conversion made to the participating
 21 company selected by the member and payment of the
 22 required premiums.”; and

23 (3) by designating the second sentence as para-
 24 graph (2) and in that sentence striking out “Such
 25 automatic conversion” and inserting in lieu thereof

1 “Automatic conversion to Veterans’ Group Life In-
2 surance under paragraph (1)”.

3 (b) VGLI CONVERSION.—Section 1977 is amended—

4 (1) in subsection (a)—

5 (A) by inserting “(1)” after “(a)”;

6 (B) by striking out the last two sentences;

7 and

8 (C) by adding at the end the following:

9 “(2) If any person insured under Veterans’ Group
10 Life Insurance again becomes insured under
11 Servicemembers’ Group Life Insurance but dies before ter-
12 minating or converting such person’s Veterans’ Group In-
13 surance, Veterans’ Group Life Insurance shall be payable
14 only if such person is insured for less than \$200,000
15 under Servicemembers’ Group Life Insurance, and then
16 only in an amount which, when added to the amount of
17 Servicemembers’ Group Life Insurance payable, does not
18 exceed \$200,000.”; and

19 (2) in subsection (e)—

20 (A) in the first sentence, by inserting “at
21 any time” after “shall have the right”; and

22 (B) by striking out the third sentence and
23 inserting in lieu thereof the following: “The
24 Veterans’ Group Life Insurance policy con-
25 verted to an individual policy under this sub-

1 section shall terminate on the day before the
 2 date on which the individual policy becomes ef-
 3 fective.”.

4 **SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CON-**
 5 **CERNING AUTOMATIC MAXIMUM COVERAGE**
 6 **OF \$200,000 UNDER SERVICEMEN’S GROUP**
 7 **LIFE INSURANCE.**

8 Section 1967, as amended by section 402(b), is fur-
 9 ther amended by inserting after subsection (c) the follow-
 10 ing new subsection (d):

11 “(d) Whenever a member has the opportunity to
 12 make an election under subsection (a) not to be insured
 13 under this subchapter, or to be insured under this sub-
 14 chapter in an amount less than the maximum amount of
 15 \$200,000, and at such other times periodically thereafter
 16 as the Secretary concerned considers appropriate, the Sec-
 17 retary concerned shall furnish to the member general in-
 18 formation concerning life insurance. Such information
 19 shall include—

20 “(1) the purpose and role of life insurance in fi-
 21 nancial planning;

22 “(2) the difference between term life insurance
 23 and whole life insurance;

24 “(3) the availability of commercial life insur-
 25 ance; and

1 “(4) the relationship between Servicemembers’
 2 Group Life Insurance and Veterans’ Group Life In-
 3 surance.”.

4 **SEC. 405. RENAMING OF SERVICEMEN’S GROUP LIFE IN-**
 5 **SURANCE PROGRAM.**

6 (a) IN GENERAL.—The program of insurance oper-
 7 ated by the Secretary of Veterans Affairs under sub-
 8 chapter III of chapter 19 of title 38, United States Code,
 9 is hereby redesignated as the Servicemembers’ Group Life
 10 Insurance program.

11 (b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is
 12 amended as follows:

13 (1) The following provisions are amended by
 14 striking out “Servicemen’s Group Life Insurance”
 15 each place it appears and inserting in lieu thereof
 16 “Servicemembers’ Group Life Insurance”:

17 (A) Subsections (a), (c), and (e) of section
 18 1967.

19 (B) Section 1968(b).

20 (C) Subsections (a) through (d) of section
 21 1969.

22 (D) Subsections (a), (f), and (g) of section
 23 1970.

24 (E) Section 1971(b).

25 (F) Section 1973.

1 (G) The first sentence of section 1974(a).

2 (H) Subsections (a), (d), and (g) of section
3 1977.

4 (2)(A) The heading of subchapter III is amend-
5 ed to read as follows:

6 “SUBCHAPTER III—SERVICEMEMBERS’ GROUP
7 LIFE INSURANCE”.

8 (B) The heading of section 1974 is amended to
9 read as follows:

10 **“§ 1974. Advisory Council on Servicemembers’ Group**
11 **Life Insurance”.**

12 (3) The table of sections at the beginning of the
13 chapter is amended—

14 (A) by striking out the item relating to
15 subchapter III and inserting in lieu thereof the
16 following:

“SUBCHAPTER III—SERVICEMEMBERS’ GROUP LIFE INSURANCE”;

17 and

18 (B) by striking out the item relating to
19 section 1974 and inserting in lieu thereof the
20 following:

“1974. Advisory Council on Servicemembers’ Group Life Insurance.”.

21 (c) OTHER CONFORMING AMENDMENTS.—(1) Sec-
22 tion 1315(f)(1)(F) is amended by striking out “service-
23 men’s” the first place it appears and inserting in lieu
24 thereof “servicemembers’ ”.

1 (2) Sections 3017(a)(2)(A)(i) and 3224(1) are
 2 amended by striking out “Servicemen’s” each place it ap-
 3 pears and inserting in lieu thereof “Servicemembers’”.

4 (d) REFERENCES.—Any reference to Servicemen’s
 5 Group Life Insurance or to the Advisory Council on Serv-
 6 icemen’s Group Life Insurance in any Federal law, Execu-
 7 tive order, regulation, delegation of authority, or other
 8 document of the Federal Government shall be deemed to
 9 refer to Servicemembers’ Group Life Insurance or the Ad-
 10 visory Council on Servicemembers’ Group Life Insurance,
 11 respectively.

12 **SEC. 406. TECHNICAL AMENDMENT.**

13 Section 1977(a) is amended by striking out “and (e)”
 14 in the first and second sentences.

15 **TITLE V—DEPARTMENT OF VET-**
 16 **ERANS AFFAIRS ADMINISTRA-**
 17 **TIVE MATTERS**

18 **SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS**
 19 **FOR MINORITY VETERANS AND WOMEN VET-**
 20 **ERANS.**

21 (a) SES STATUS OF DIRECTORS.—Sections 317(b)
 22 and 318(b) are each amended by inserting “career or” be-
 23 fore “noncareer”.

24 (b) ADDITIONAL FUNCTIONS OF CENTER FOR MI-
 25 NORITY VETERANS.—Section 317(d) is amended—

1 (1) by redesignating paragraph (10) as para-
2 graph (12); and

3 (2) by inserting after paragraph (9) the follow-
4 ing new paragraphs (10) and (11):

5 “(10) Advise the Secretary and other appro-
6 priate officials on the effectiveness of the Depart-
7 ment’s efforts to accomplish the goals of section
8 492B of the Public Health Service Act (42 U.S.C.
9 289a–2) with respect to the inclusion of minorities
10 in clinical research and on particular health condi-
11 tions affecting the health of members of minority
12 groups which should be studied as part of the De-
13 partment’s medical research program and promote
14 cooperation between the Department and other
15 sponsors of medical research of potential benefit to
16 veterans who are minorities.

17 “(11) Provide support and administrative serv-
18 ices to the Advisory Committee on Minority Veter-
19 ans provided for under section 544 of this title.”.

20 (c) DEFINITION OF MINORITY VETERANS.—Section
21 317 is amended by adding at the end the following:

22 “(g) In this section—

23 “(1) The term ‘veterans who are minorities’
24 means veterans who are minority group members.

1 “(2) The term ‘minority group member’ has the
2 meaning given such term in section 544(d) of this
3 title.”.

4 (d) CLARIFICATION OF FUNCTIONS OF CENTER FOR
5 WOMEN VETERANS.—Section 318(d)(10) is amended by
6 striking out “(relating to” and all that follows through
7 “and of” and inserting in lieu thereof “(42 U.S.C. 289a–
8 2) with respect to the inclusion of women in clinical re-
9 search and on”.

10 (e) ADDITIONAL FUNCTIONS OF ADVISORY COMMIT-
11 TEES.—(1) Section 542(b) is amended by inserting “, in-
12 cluding the Center for Women Veterans” before the period
13 at the end.

14 (2) Section 544(b) is amended by inserting “, includ-
15 ing the Center for Minority Veterans” before the period
16 at the end.

17 (f) TERMINATION DATE OF ADVISORY COMMITTEE
18 ON MINORITY VETERANS.—Section 544(e) is amended by
19 striking out “December 31, 1997” and inserting in lieu
20 thereof “December 31, 1999”.

21 **SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR IN-**
22 **CARCERATED VETERANS.**

23 (a) PRO RATA REDUCTION.—Chapter 53 is amended
24 by inserting after section 5313 the following new section:

1 **“§ 5313A. Limitation on payment of clothing allow-**
 2 **ance to incarcerated veterans**

3 “In the case of a veteran who is incarcerated in a
 4 Federal, State, or local penal institution for a period in
 5 excess of 60 days and who is furnished clothing without
 6 charge by the institution, the amount of any annual cloth-
 7 ing allowance payable to the veteran under section 1162
 8 of this title shall be reduced by an amount equal to $\frac{1}{365}$
 9 of the amount of the allowance otherwise payable under
 10 that section for each day on which the veteran was so in-
 11 carcerated during the 12-month period preceding the date
 12 on which payment of the allowance would be due. This
 13 section shall be carried out under regulations prescribed
 14 by the Secretary.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 5313 the following new
 18 item:

“5313A. Limitation on payment of clothing allowance to incarcerated veterans.”.

19 **SEC. 503. EXTENSION OF VETERANS’ CLAIMS ADJUDICA-**
 20 **TION COMMISSION.**

21 (a) EXTENSION OF TIME FOR SUBMISSION OF FINAL
 22 REPORT.—Section 402(e)(2) of the Veterans’ Benefits
 23 Improvements Act of 1994 (Public Law 103–446; 108
 24 Stat. 4661) is amended by striking out “Not later than

1 18 months after such date” and inserting in lieu thereof
2 “Not later than December 31, 1996”.

3 (b) FUNDING.—From amounts appropriated to the
4 Department of Veterans Affairs for each of fiscal years
5 1996 and 1997 for the payment of compensation and pen-
6 sion, the amount of \$75,000 is hereby made available for
7 the activities of the Veterans’ Claims Adjudication Com-
8 mission under title IV of the Veterans’ Benefits Improve-
9 ments Act of 1994 (Public Law 103–446; 108 Stat. 4659;
10 38 U.S.C. 5101 note).

11 **SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSI-**
12 **CIA NS FOR DISABILITY EXAMINATIONS.**

13 (a) AUTHORITY.—The Secretary of Veterans Affairs,
14 acting through the Under Secretary for Benefits, may con-
15 duct a pilot program under this section under which ex-
16 aminations with respect to medical disability of applicants
17 for benefits under laws administered by the Secretary that
18 are carried out through the Under Secretary for Benefits
19 may be made by persons other than employees of the De-
20 partment of Veterans Affairs. Any such examination shall
21 be performed pursuant to contracts entered into by the
22 Under Secretary for Benefits with those persons.

23 (b) LIMITATION.—The Secretary may carry out the
24 pilot program under this section through not more than
25 10 regional offices of the Department of Veterans Affairs.

1 (c) SOURCE OF FUNDS.—Payments for contracts
 2 under the pilot program under this section shall be made
 3 from amounts available to the Secretary of Veterans Af-
 4 fairs for payment of compensation and pensions.

5 (d) REPORT TO CONGRESS.—Not later than three
 6 years after the date of the enactment of this Act, the Sec-
 7 retary shall submit to the Congress a report on the effect
 8 of the use of the authority provided by subsection (a) on
 9 the cost, timeliness, and thoroughness of medical disability
 10 examinations.

11 **SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR**
 12 **CERTAIN VETERANS.**

13 (a) IN GENERAL.—Paragraph (29) of section 101 is
 14 amended to read as follows:

15 “(29) The term ‘Vietnam era’ means the following:

16 “(A) The period beginning on February 28,
 17 1961, and ending on May 7, 1975, in the case of a
 18 veteran who served in the Republic of Vietnam dur-
 19 ing that period.

20 “(B) The period beginning on August 5, 1964,
 21 and ending on May 7, 1975, in all other cases.”.

22 (b) LIMITED EXPANSION FOR SPECIFIC COMPENSA-
 23 TION PURPOSES.—(1) Paragraphs (1)(B) and (3) of sec-
 24 tion 1116(a) are each amended by striking out “during
 25 the Vietnam era” and inserting in lieu thereof “during the

1 period beginning on January 9, 1962, and ending on May
2 7, 1975,”.

3 (2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and
4 (4) of such section are amended by striking out “during
5 the Vietnam era” and inserting in lieu thereof “during the
6 period beginning on January 9, 1962, and ending on May
7 7, 1975”.

8 (c) LIMITED EXPANSION FOR SPECIFIC HEALTH
9 CARE PURPOSES.—(1) The provision stipulated in para-
10 graph (2) is amended—

11 (A) in clause (i), by striking out “during the
12 Vietnam era,” and inserting in lieu thereof “during
13 the period beginning on January 9, 1962, and end-
14 ing on May 7, 1975,”; and

15 (B) in clause (ii), by striking out “such era”
16 and inserting in lieu thereof “such period”.

17 (2) The provision referred to in paragraph (1)—

18 (A) if the Veterans’ Health Care Eligibility Re-
19 form Act of 1996 is enacted as a measure of the
20 One Hundred Fourth Congress, is paragraph (4)(A)
21 of section 1710(e) of title 38, United States Code,
22 as added by section 102 of such Act; and

23 (B) if such Act is not enacted as a measure of
24 the One Hundred Fourth Congress, is paragraph
25 (1)(A) of section 1710(e) of such title.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on January 1, 1997. No bene-
 3 fit may be paid or provided by reason of such amendments
 4 for any period before such date.

5 **SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE**
 6 **FOR MONTH IN WHICH VETERAN DIES.**

7 (a) BENEFIT FOR MONTH OF DEATH.—Section 5310
 8 is amended—

9 (1) by inserting “(a)” before “If, in accordance
 10 with”; and

11 (2) by adding at the end the following:

12 “(b)(1) If the surviving spouse of a veteran who was
 13 in receipt of compensation or pension at the time of death
 14 is not entitled to death benefits under chapter 11, 13, or
 15 15 of this title for the month in which the veteran’s death
 16 occurs, that surviving spouse shall be entitled to a benefit
 17 for that month in the amount of benefits the veteran
 18 would have received under chapter 11 or 15 of this title
 19 for that month but for the death of the veteran.

20 “(2) If (notwithstanding section 5112(b)(1) of this
 21 title) a check or other payment is issued to, and in the
 22 name of, the deceased veteran as a benefit payment under
 23 chapter 11 or 15 of this title for the month in which death
 24 occurs, that check or other payment (A) shall be treated
 25 for all purposes as being payable to the surviving spouse,

1 and (B) if that check or other payment is negotiated or
 2 deposited, shall be considered to be the benefit to which
 3 the surviving spouse is entitled under this paragraph.
 4 However, if such check or other payment is in an amount
 5 less than the amount of the benefit under paragraph (1),
 6 the unpaid amount shall be treated in the same manner
 7 as an accrued benefit under section 5121 of this title.”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
 9 this section shall apply with respect to the death of com-
 10 pensation and pension recipients occurring after December
 11 31, 1996.

12 **SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BEN-**
 13 **EFITS PAYABLE.**

14 Subsection (a) of section 5121 is amended by striking
 15 out “one year” in the matter preceding paragraph (1) and
 16 inserting in lieu thereof “two years”.

17 **SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANI-**
 18 **ZATIONS AS CLAIMANTS’ REPRESENTATIVES.**

19 (a) **POWER OF ATTORNEY NAMING A VETERANS**
 20 **SERVICE ORGANIZATION.**—Section 5902 is amended—

21 (1) by redesignating subsection (c) as sub-
 22 section (d); and

23 (2) by inserting after subsection (b) the follow-
 24 ing new subsection (c):

1 “(c)(1) Unless a claimant specifically indicates in a
2 power of attorney filed with the Department a desire to
3 appoint only a recognized representative of an organiza-
4 tion listed in or approved under subsection (a), the Sec-
5 retary may, for any purpose, treat the power of attorney
6 naming such an organization, a specific office of such an
7 organization, or a recognized representative of such an or-
8 ganization as the claimant’s representative as an appoint-
9 ment of the entire organization as the claimant’s rep-
10 resentative.

11 “(2) Whenever the Secretary is required or permitted
12 to notify a claimant’s representative, and the claimant has
13 named in a power of attorney an organization listed in
14 or approved under subsection (a), a specific office of such
15 an organization, or a recognized representative of such an
16 organization without specifically indicating a desire to ap-
17 point only a recognized representative of the organization,
18 the Secretary shall notify the organization at the address
19 designated by the organization for the purpose of receiving
20 the notification concerned.”.

21 (b) APPLICABILITY.—The amendments made by this
22 section apply to any power of attorney filed with the De-
23 partment of Veterans Affairs, regardless of the date of its
24 execution.

1 **SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS'**
 2 **APPEALS DECISIONS.**

3 Subsection (e) of section 7104 is amended to read
 4 as follows:

5 “(e)(1) After reaching a decision on a case, the Board
 6 shall promptly mail a copy of its written decision to the
 7 claimant at the last known address of the claimant.

8 “(2) If the claimant has an authorized representative,
 9 the Board shall—

10 “(A) mail a copy of its written decision to the
 11 authorized representative at the last known address
 12 of the authorized representative; or

13 “(B) send a copy of its written decision to the
 14 authorized representative by any means reasonably
 15 likely to provide the authorized representative with
 16 a copy of the decision within the same time a copy
 17 would be expected to reach the authorized represent-
 18 ative if sent by first-class mail.”.

19 **SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN**
 20 **STAFFING OF CERTAIN ELEMENTS OF THE**
 21 **EDUCATION SERVICE OF THE VETERANS**
 22 **BENEFITS ADMINISTRATION.**

23 No funds available to the Department of Veterans Af-
 24 fairs may be obligated or expended before January 1,
 25 1998, to relocate any function of, or to reduce the number
 26 of personnel assigned to, any of the following elements of

1 the Veterans Benefits Administration of the Department
2 of Veterans Affairs:

3 (1) The Office of Education Procedures Sys-
4 tems.

5 (2) The Office of Education Operations.

6 (3) The Office of Education Policy and Pro-
7 gram Administration.

8 **TITLE VI—OTHER MATTERS**

9 **SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERV-** 10 **ICES FOR HOMELESS VETERANS.**

11 (a) AUTHORITY FOR COMMUNITY-BASED RESIDEN-
12 TIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL
13 VETERANS AND OTHER VETERANS.—Section 115(d) of
14 the Veterans' Benefits and Services Act of 1988 (38
15 U.S.C. 1712 note) is amended by striking out “December
16 31, 1997” and inserting in lieu thereof “December 31,
17 1998”.

18 (b) AUTHORIZATIONS OF APPROPRIATIONS FOR
19 HOMELESS VETERANS REINTEGRATION PROJECTS.—Sec-
20 tion 738(e)(1) of the Stewart B. McKinney Homeless As-
21 sistance Act (42 U.S.C. 11448(e)(1)) is amended by add-
22 ing at the end the following:

23 “(E) \$10,000,000 for fiscal year 1997.

24 “(F) \$10,000,000 for fiscal year 1998.”.

1 **SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR**
 2 **MEMORIALS.**

3 (a) REPAIR AND LONG-TERM MAINTENANCE OF WAR
 4 MEMORIALS.—Section 5(b)(2) of the Act entitled “An Act
 5 for the creation of an American Battle Monuments Com-
 6 mission to erect suitable memorials commemorating the
 7 services of the American soldier in Europe, and for other
 8 purposes”, approved March 4, 1923 (36 U.S.C.
 9 125(b)(2)), is amended—

10 (1) by inserting “(A)” after “(2)”; and

11 (2) by adding at the end the following:

12 “(B) In assuming responsibility for a war memorial
 13 under paragraph (1), the Commission may enter into ar-
 14 rangements with the sponsors of the memorial to provide
 15 for the repair or long-term maintenance of the memorial.
 16 Any funds transferred to the Commission for the purpose
 17 of this subparagraph shall, in lieu of subparagraph (A),
 18 be deposited by the Commission in the fund established
 19 by paragraph (3).

20 “(3)(A) There is established in the Treasury a fund
 21 which shall be available to the Commission for expenses
 22 for the maintenance and repair of memorials with respect
 23 to which the Commission enters into arrangements under
 24 paragraph (2)(B). The fund shall consist of (i) amounts
 25 deposited, and interest and proceeds credited, under sub-

1 paragraph (B), and (ii) obligations obtained under sub-
2 paragraph (C).

3 “(B) The Commission shall deposit in the fund such
4 amounts from private contributions as may be accepted
5 under paragraph (2)(B). The Secretary of the Treasury
6 shall credit to the fund the interest on, and the proceeds
7 from sale or redemption of, obligations held in the fund.

8 “(C) The Secretary of the Treasury shall invest any
9 portion of the fund that, as determined by the Commis-
10 sion, is not required to meet current expenses. Each in-
11 vestment shall be made in an interest bearing obligation
12 of the United States or an obligation guaranteed as to
13 principal and interest by the United States that, as deter-
14 mined by the Commission, has a maturity suitable for the
15 fund.

16 “(D) The Commission shall separately account for all
17 moneys deposited in and expended from the fund with re-
18 spect to each war memorial for which an arrangement for
19 the repair or long-term maintenance of the memorial is
20 entered to under paragraph (2)(B).”.

21 (b) ACCOUNTING PROCEDURES RELATING TO RE-
22 CEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such
23 Act is further amended by adding at the end the following
24 new section:

1 “SEC. 14. (a) The Commission shall have a system
2 of financial controls to enable the Commission to comply
3 with the requirements of subsection (b) and section
4 5(b)(3)(D).

5 “(b) The Commission shall—

6 “(1) by March 1 of each year (beginning with
7 1998)—

8 “(A) prepare a financial statement which
9 covers all accounts and associated activities of
10 the Commission for the preceding fiscal year
11 and is consistent with the requirements of sec-
12 tion 3515 of title 31, United States Code; and

13 “(B) submit the financial statement, to-
14 gether with a narrative summary, to the Com-
15 mittees on Veterans’ Affairs of the Senate and
16 House of Representatives; and

17 “(2) obtain an audit by the Comptroller Gen-
18 eral of the United States of each financial statement
19 prepared under paragraph (1)(A), which shall be
20 conducted in accordance with applicable generally
21 accepted government auditing standards and shall be
22 in lieu of any audit otherwise required by law.

23 “(c) The Commission may not obligate, withdraw, or
24 expend funds received as contributions before March 1,
25 1998.”.

1 **TITLE VII—COMMISSION ON**
2 **SERVICEMEMBERS AND VET-**
3 **ERANS TRANSITION ASSIST-**
4 **ANCE**

5 **SEC. 701. ESTABLISHMENT OF COMMISSION.**

6 (a) ESTABLISHMENT.—There is established a com-
7 mission to be known as the Commission on
8 Servicemembers and Veterans Transition Assistance
9 (hereafter in this title referred to as the “Commission”).

10 (b) MEMBERSHIP.—(1) The Commission shall be
11 composed of 12 members appointed from among private
12 United States citizens with appropriate and diverse experi-
13 ences, expertise, and historical perspectives on veterans,
14 military, organizational, and management matters. The
15 members shall be appointed as follows:

16 (A) Four shall be appointed jointly by the
17 chairman and ranking minority member of the Com-
18 mittee on Veterans’ Affairs of the House of Rep-
19 resentatives.

20 (B) Four shall be appointed jointly by the
21 chairman and ranking minority member of the Com-
22 mittee on Veterans’ Affairs of the Senate.

23 (C) Two shall be appointed jointly by the chair-
24 man and ranking minority member of the Committee

1 on National Security of the House of Representa-
2 tives.

3 (D) Two shall be appointed jointly by the chair-
4 man and ranking minority member of the Committee
5 on Armed Services of the Senate.

6 (2)(A) One member of the Commission appointed
7 under each of subparagraphs (A) and (B) of paragraph
8 (1) shall be a representative of a veterans service organiza-
9 tion.

10 (B) To the maximum extent practicable, the individ-
11 uals appointed under paragraph (1) as members of the
12 Commission shall be veterans.

13 (C) Not more than seven of the members of the Com-
14 mission may be members of the same political party.

15 (3) In addition to the members appointed under para-
16 graph (1), the following shall be nonvoting members of
17 the Commission:

18 (A) The Under Secretary for Benefits of the
19 Department of Veterans Affairs.

20 (B) The Assistant Secretary of Defense for
21 Force Management and Personnel.

22 (C) The Assistant Secretary of Labor for Veter-
23 ans' Employment and Training.

24 (4) The appointments of members of the Commission
25 shall, to the maximum extent practicable, be made after

1 consultation with representatives of veterans service orga-
2 nizations.

3 (5) The appointments of the members of the Commis-
4 sion shall be made not later than 45 days after the date
5 of the enactment of this Act.

6 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
7 bers shall be appointed for the life of the Commission. Any
8 vacancy in the Commission shall not affect its powers, but
9 shall be filled in the same manner as the original appoint-
10 ment.

11 (d) INITIAL MEETING.—Not later than 30 days after
12 the date on which all members of the Commission have
13 been appointed under subsection (b)(1), the Commission
14 shall hold its first meeting.

15 (e) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum, but a lesser num-
17 ber may hold hearings.

18 (f) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
19 sion shall select a chairman and vice chairman from
20 among its members.

21 (g) MEETINGS.—The Commission shall meet at the
22 call of the chairman of the Commission.

23 (h) PANELS.—The Commission may establish panels
24 composed of less than the full membership of the Commis-
25 sion for the purpose of carrying out the Commission's du-

1 ties. The actions of such panels shall be subject to the
 2 review and control of the Commission. Any findings and
 3 determinations made by such a panel shall not be consid-
 4 ered the findings and determinations of the Commission
 5 unless approved by the Commission.

6 (i) **AUTHORITY OF INDIVIDUALS TO ACT FOR COM-**
 7 **MISSION.**—Any member or agent of the Commission may,
 8 if authorized by the Commission, take any action which
 9 the Commission is authorized to take under this title.

10 **SEC. 702. DUTIES OF COMMISSION.**

11 (a) **IN GENERAL.**—The Commission shall—

12 (1) review the adequacy and effectiveness of
 13 veterans transition assistance and benefits programs
 14 in providing assistance to members of the Armed
 15 Forces in making the transition and adjustment to
 16 civilian life;

17 (2) review the allocation under law of respon-
 18 sibility for the administration of veterans transition
 19 assistance and benefits programs among the various
 20 departments and agencies of the Government and
 21 determine the feasibility and desirability of consoli-
 22 dating such administration;

23 (3) evaluate proposals for improving such pro-
 24 grams, including proposals for alternative means of
 25 providing services delivered by such programs; and

1 (4) make recommendations to Congress regard-
2 ing the need for improvements in such programs.

3 (b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF
4 THE ARMED FORCES AT SEPARATION.—(1) While carry-
5 ing out the general duties specified in subsection (a), the
6 members of the Commission appointed under subpara-
7 graphs (C) and (D) of section 701(b)(1) and the member
8 specified in subparagraph (B) of section 701(b)(3) shall
9 review primarily the programs intended to assist members
10 of the Armed Forces at the time of their separation from
11 service in the Armed Forces, including programs designed
12 to assist families of such members.

13 (2) In carrying out the review, those members of the
14 Commission shall determine the following:

15 (A) The adequacy of the programs referred to
16 in paragraph (1) for their purposes.

17 (B) The adequacy of the support of the Armed
18 Forces for such programs.

19 (C) The adequacy of funding levels for such
20 programs.

21 (D) The effect, if any, of the existence of such
22 programs on military readiness.

23 (E) The extent to which such programs provide
24 members of the Armed Forces with job-search skills.

1 (F) The extent to which such programs prepare
2 such members for employment in the private sector
3 and in the public sector.

4 (G) The effectiveness of such programs in as-
5 sisting such members in finding employment in the
6 public sector upon their separation from service.

7 (H) The ways in which such programs could be
8 improved.

9 (3) In carrying out the review, the Commission shall
10 make use of previous studies which have been made of
11 such programs.

12 (c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—

13 (1) While carrying out the general duties specified in sub-
14 section (a), the members of the Commission appointed
15 under subparagraphs (A) and (B) of section 701(b)(1)
16 and the members specified in subparagraphs (A) and (C)
17 of section 701(b)(3) shall review the following programs:

18 (A) Educational assistance programs.

19 (B) Job counseling, job training, and job place-
20 ment services programs.

21 (C) Rehabilitation and training programs.

22 (D) Housing loan programs.

23 (E) Small business loan and small business as-
24 sistance programs.

1 (F) Employment and employment training pro-
2 grams for employment in the public sector and the
3 private sector, including employer training programs
4 and union apprenticeship programs.

5 (G) Government personnel policies (including
6 veterans' preference policies) and the enforcement of
7 such policies.

8 (H) Programs that prepare the families of
9 members of the Armed Forces for their transition
10 from military life to civilian life and facilitate that
11 transition.

12 (2) In carrying out the review, such members of the
13 Commission shall determine the following:

14 (A) The adequacy of the programs referred to
15 in paragraph (1) for their purposes.

16 (B) The adequacy of the support of the Depart-
17 ment of Veterans Affairs for such programs.

18 (C) The adequacy of funding levels for such
19 programs.

20 (D) The extent to which such programs provide
21 veterans with job-search skills.

22 (E) The extent to which such programs prepare
23 veterans for employment in the private sector and in
24 the public sector.

1 (F) The effectiveness of such programs in as-
2 sisting veterans in finding employment in the public
3 sector upon their separation from service.

4 (G) The ways in which such programs could be
5 improved.

6 (d) REPORTS.—(1) Not later than 90 days after the
7 date on which all members of the Commission have been
8 appointed under section 701(b)(1), the Commission shall
9 submit to the Committees on Veterans' Affairs and Armed
10 Services of the Senate and the Committees on Veterans'
11 Affairs and National Security of the House of Representa-
12 tives a report setting forth a plan for the work of the Com-
13 mission. The Commission shall develop the plan in con-
14 sultation with the Secretary of Defense, the Secretary of
15 Veterans Affairs, the Secretary of Labor, and the heads
16 of other appropriate departments and agencies of the Gov-
17 ernment.

18 (2)(A) Not later than 18 months after the date of
19 the first meeting of the Commission, the Commission shall
20 submit to the committees referred to in paragraph (1),
21 and to the Secretary of Defense, the Secretary of Veterans
22 Affairs, and the Secretary of Labor, a report setting forth
23 the activities, findings, and recommendations of the Com-
24 mission, including any recommendations for legislative ac-

1 tion and administrative action as the Commission consid-
2 ers appropriate.

3 (B) Not later than 90 days after receiving the report
4 referred to in subparagraph (A), the Secretary of Defense,
5 the Secretary of Veterans Affairs, and the Secretary of
6 Labor shall jointly transmit the report to Congress, to-
7 gether with the Secretaries' comments on the report.

8 **SEC. 703. POWERS OF COMMISSION.**

9 (a) HEARINGS.—The Commission may hold such
10 hearings, sit and act at such times and places, take such
11 testimony, and receive such evidence as the Commission
12 considers advisable to carry out the purposes of this title.

13 (b) INFORMATION FROM FEDERAL AGENCIES.—The
14 Commission may secure directly from the Department of
15 Defense, the Department of Veterans Affairs, and any
16 other department or agency of the Government such infor-
17 mation as the Commission considers necessary to carry
18 out its duties under this title. Upon request of the chair-
19 man of the Commission, the head of such department or
20 agency shall furnish such information expeditiously to the
21 Commission.

22 **SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

23 (a) POSTAL SERVICES.—The Commission may use
24 the United States mails in the same manner and under

1 the same conditions as other departments and agencies of
2 the Government.

3 (b) GIFTS.—The Commission may accept, use, and
4 dispose of gifts or donations of services or property.

5 (c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—
6 The Secretary of Defense, the Secretary of Veterans Af-
7 fairs, and the Secretary of Labor shall, upon the request
8 of the chairman of the Commission, furnish the Commis-
9 sion, on a reimbursable basis, any administrative and sup-
10 port services as the Commission may require.

11 **SEC. 705. COMMISSION PERSONNEL MATTERS.**

12 (a) COMPENSATION OF MEMBERS.—Each member of
13 the Commission may be compensated at a rate equal to
14 the daily equivalent of the annual rate of basic pay pre-
15 scribed for level IV of the Executive Schedule under sec-
16 tion 5315 of title 5, United States Code, for each day (in-
17 cluding travel time) during which such member is engaged
18 in performing the duties of the Commission.

19 (b) TRAVEL AND TRAVEL EXPENSES.—(1) Members
20 and personnel of the Commission may travel on military
21 aircraft, military vehicles, or other military conveyances
22 when travel is necessary in the performance of a duty of
23 the Commission except when the cost of commercial trans-
24 portation is less expensive.

1 (2) The members of the Commission may be allowed
2 travel expenses, including per diem in lieu of subsistence,
3 at rates authorized for employees of agencies under sub-
4 chapter I of chapter 57 of title 5, United States Code,
5 while away from their homes or regular places of business
6 in the performance of services for the Commission.

7 (c) STAFF.—(1) The chairman of the Commission
8 may, without regard to civil service laws and regulations,
9 appoint and terminate an executive director and up to five
10 additional staff members as may be necessary to enable
11 the Commission to perform its duties. In appointing an
12 individual as executive director, the chairman shall, to the
13 maximum extent practicable, attempt to appoint an indi-
14 vidual who is a veteran. The employment of an executive
15 director shall be subject to confirmation by the Commis-
16 sion.

17 (2) The chairman of the Commission may fix the
18 compensation of the executive director and other personnel
19 without regard to the provisions of chapter 51 and sub-
20 chapter III of chapter 53 of title 5, United States Code,
21 relating to classification of positions and General Schedule
22 pay rates, except that the rate of pay for the executive
23 director and other staff members may not exceed the rate
24 payable for level V of the Executive Schedule under section
25 5316 of such title.

1 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
2 request of the chairman of the Commission, the head of
3 any department or agency of the Government may detail,
4 on a nonreimbursable basis, any personnel of the depart-
5 ment or agency to the Commission to assist the Commis-
6 sion in carrying out its duties.

7 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
8 TENT SERVICES.—The chairman of the Commission may
9 procure temporary and intermittent services under section
10 3109(b) of title 5, United States Code, at rates for individ-
11 uals which do not exceed the daily equivalent of the annual
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5316 of such title.

14 **SEC. 706. TERMINATION OF COMMISSION.**

15 The Commission shall terminate 90 days after the
16 date on which it submits its report under section
17 702(d)(2).

18 **SEC. 707. DEFINITIONS.**

19 For the purposes of this title:

20 (1) The term “veterans transition assistance
21 and benefits program” means any program of the
22 Government the purpose of which is—

23 (A) to assist, by rehabilitation or other
24 means, members of the Armed Forces in read-
25 justing or otherwise making the transition to ci-

1 vilian life upon their separation from service in
2 the Armed Forces; or

3 (B) to assist veterans in making the tran-
4 sition to civilian life.

5 (2) The term “Armed Forces” has the meaning
6 given such term in section 101(10) of title 38, Unit-
7 ed States Code.

8 (3) The term “veteran” has the meaning given
9 such term in section 101(2) of title 38, United
10 States Code.

11 (4) The term “veterans service organization”
12 means any organization covered by section 5902(a)
13 of title 38, United States Code.

14 **SEC. 708. FUNDING.**

15 (a) IN GENERAL.—The Secretary of Defense shall,
16 upon the request of the chairman of the Commission,
17 make available to the Commission such amounts as the
18 Commission may require to carry out its duties under this
19 title. The Secretary shall make such amounts available
20 from amounts appropriated for the Department of De-
21 fense, except that such amounts may not be from amounts
22 appropriated for the transition assistance program (TAP),
23 the Army career alumni program (ACAP), or any similar
24 program.

1 (b) AVAILABILITY.—Any sums made available to the
2 Commission under subsection (a) shall remain available,
3 without fiscal year limitation, until the termination of the
4 Commission.

Passed the Senate September 28, 1996.

Attest:

Secretary.

104TH CONGRESS
2D SESSION

S. 1711

AN ACT

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

S 1711 ES—2
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